## REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1-49 are currently pending in this application.

*RCE Filed Concurrently Herewith*

The Patent Office is advised that the present Response is accompanied by a Request for Continued Examination (RCE), being filed concurrently herewith. The RCE ensures entry of this paper in response to the Final Office Action dated November 14, 2005.

*35 U.S.C. § 102(b) Rejection*

Claims 1-31 were again rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,852,819 to Beller (referred to as "Beller" below). Applicant respectfully traverses this rejection for the following reasons.

At the outset, the Response filed on August 30, 2005 presented claims 1-34, including new claims 32-34. The Office Action states that claims 1-31 are rejected under 35 U.S.C. § 102(b), rather than claims 1-34. In reply to this Response, the Patent Office is requested to indicate the status of claims 32-34 with respect to the 35 U.S.C. § 102(b) rejection.

Turning to the rejection, independent claim 1 recites in full:

1. A computer system user interface for statistical analysis comprising:

a data entry display screen configured to receive user input providing tabular data;

a configuration and control display screen configured to receive user input selecting

a particular statistical analysis to be performed on the tabular data;

statistical computation means responsive to user input received in the configuration and control display screen to perform the particular statistical analysis using the tabular data entered by user input in the data entry display screen to generate statistical results wherein the statistical computation means is operable to retrieve and reformat the tabular data without user interaction; and

a results page display screen responsive to the statistical computation means and to user input received in the configuration and control display screen to format and display results of the statistical analysis.

Beller does not teach or suggest at least the element in claim 1 which recites, "a configuration and control display screen configured to receive user input selecting a particular statistical analysis to be performed on the tabular data," in combination with the remainder of this claim's elements, when considered as a whole. The Final Office Action identifies column 16, lines 6-19 of Beller as having relevance to the above-identified feature. However, this portion of Beller states:

Also note that error correction routines may be employed by which the CPU 2, via programming code of the DCCM 24, is instructed to replace specific information and/or data that has been previously stored in the IRF 40 or IDF 100 with new information and/or data entered into the input device 5.

Returning to FIG. 3, the aforedescribed IDF 100 is at block 302F. The IDF 100 comprises:

a "table record" (TR) 104 at block 302G, which is comprised of at least

one of the DUs 80 of a single entity that has been stored in the IDF 100

as a single record;

an "extended table record" (ETR) 144 at block 302H (described at a later

point below);

This passage has no bearing on "a configuration and control display screen configured to receive user input selecting a particular statistical analysis to be performed on the tabular data." For instance, the mention of "error correction routines" does not disclose or suggest the use of "a configuration and control display screen."

In reply to the Applicant's arguments (in the August 30, 2005 Response), the Final Office Action states that:

> However, Applicant's arguments are not well taken.   Beller teaches user input for configuration and control of formulas (see Beller, column 8 lines 30-33 and column 10 lines 1-14) used to calculate statistical information (see Beller, column 21 lines 48-67) based on tabular data (see Beller, column 21 lines 48-67).  [Note paragraph No. 4 on page No. 7 of the Final Office Action.]

The above-identified passages of Beller are reproduced below:

> Processing modules comprised of easily modifiable computer programming code, functions, and formulas are utilized to analyze, integrate, and organize the information and/or data.  [See column 8, line 30-33.]
>
> . . . .
>
> The user interactive interface and delivery device 10 provides a means by which to allow a remote user, as defined above, to access the apparatus 1. This may allow for a direct transmission of data and information to be entered via any suitable data entry means located

at the user's location.  It should be noted that adequate precautions are to be taken so as to prevent a nonauthorized user from accessing the apparatus 1 and the data, information, or algorithms stored therein.  Any informational reports, if desired, may be electronically transmitted to the user via the user interactive interface and delivery device 10 wherein the report or reports may be output via the output means (not shown), which may be a printer or other suitable output device, or wherein said report data may be stored in a user memory device. [See column 10, lines 1-14.]

. . .

At step 604, which is also an optional step, the CPU 2, via programming code of the DPCM 128 and formulas and/or functions of the DPFM 132, performs database calculations (which may include sums, averages, minimums, maximums, counts, standard deviations, variances, and other suitable calculations), groupings, filters, sorts, queries, and other suitable database analysis functions and formulas utilizing two or more ETRs 144 and/or TRs 104 within the IDF 100 or a plurality of linked IDFs 100.  If desired, a suitable database program can be utilized to performs these database formulas and functions.  The database formulas and/or functions produce one or a plurality of ADUs 146, which are comprised of information and/or data elements that can be used to determine percentile ranks, ranges, frequency distributions, and other suitable statistical and mathematical data and information. Note that the statistical and mathematical computations that generate ADUs 146 provide a means by which to determine and utilize a plurality of "norms", which are values representing standards, models or patterns regarded as typical for a specified set of conditions. [See column 21, lines 48-67.]

These passages indicate that Beller discloses *inter alia* the use of functions and formulas, a user interactive interface, etc.  However, these passages do *not* specifically

disclose "a configuration and control display screen that is configured to receive user input selecting a particular statistical analysis to be performed on the tabular data." Namely, while Beller discloses that his apparatus comprises a plurality of functions and formulas, Beller does not disclose that a particular *display screen* can be used to receive user input *selecting* a particular statistical analysis to be performed on tabular data. Likewise, the mere mention of a "user interactive interface" in Beller does not indicate that Beller includes a particular display screen for performing the specific task of receiving user input selecting a particular statistical analysis to be performed on the tabular data. It is one thing to say that an apparatus can incorporate different analytical tools, and another to say that a specific display screen is provided for selecting these tools; moreover, the first observation does not imply the second, as, for example, an apparatus can automatically invoke different analytical tools without requiring the user to select these tools via a specific display screen.

Returning to the language of claim 1, Beller also does not teach or suggest the element in claim 1 which recites, "the statistical computation means is operable to retrieve and reformat the tabular data without user interaction," in combination with the remainder of this claim's elements, when considered as a whole. The Final Office Action identifies column 20, lines 4-21 of Beller as having relevance to the above-identified feature. However, this portion of Beller states:

> The information and/or data elements in the PDF 140 are arranged in horizontal and vertical grid-like formations (such as a continuous tic-tac-toe design) and/or other suitable formations. The actual location, format, and content of the information and/or data elements are determined by formulas and/or functions in the DRPF 136 and code in the DPCM 128. DRPF 136 templates may be utilized in which the formulas and/or functions are organized

into predetermined formations. These formations facilitate information and/or data processing and reporting, as discussed below. The values comprising these formations are saved to a one or plurality of PDFs 140, which serve as an intermediate means of data/information formation storage and a convenient and efficient means for transmission of the data/information formations. The PDF 140 can be stored in any format that preserves the data/information formations and can be assigned any name that enables the file to be later accessed and its contents retrieved for further processing.

The cited passage discloses that the PDF 140 can be stored in any format. But this passage does not disclose or suggest that the reformatting takes place "without user interaction," as recited in claim 1.

In reply to the Applicant's arguments (in the August 30, 2005 Response), the Final Office Action states that:

However, Applicant's arguments are not well taken. Beller teaches that the processor for computing statistical analysis retrieves the tabular data (see Beller, column 21, lines 48-67), as well as formatting the data using computer algorithms (see Beller, column 22, lines 57-62, or, as claimed, without user interaction. [Note paragraph No. 4 on page No. 8 of the Final Office Action.]

The cited passage in column 21 was reproduced above. The cited passage in column 22 is reproduced below:

If desired, a suitable spreadsheet program can utilize algorithms in a single spreadsheet or plurality of linked (interconnected) and/or independent spreadsheets, along with suitable

programming code, to organize the information and/or data into suitable patterns. [See column 22, lines 57-62.]

The cited passages disclose that Beller's apparatus performs various operations, but the cited passages do not specifically disclose that reformatting takes place "without user interaction," as recited in claim 1.

Accordingly, for at least the above-stated illustrative and non-exhaustive reasons, Beller does not disclose the subject matter recited in independent claim 1.

Turning now to independent claim 4, this claim recites:

> 4. A method comprising:
> receiving user input identifying desired analysis;
> retrieving user data from a data store;
> reformatting the user data in accordance with the desired analysis;
> computing factors for the desired analysis;
> formatting output from results of the computation for presentation to the user; and
> presenting the output to the user in response to input from the user requesting output presentation,
> wherein the steps of retrieving, reformatting, computing and formatting are automated, responsive to the step of receiving and otherwise substantially devoid of interaction with the user for receiving input.

Beller does not teach or suggest the element in claim 4 which recites, "computing factors for the desired analysis," in combination with the remainder of this claim's elements, when considered as a whole. The Final Office Action identifies column 19,

lines 52-64 of Beller as having relevance to the above-identified feature. However, this portion of Beller states:

> At step 602 the CPU 2, via programming code of the DPCM 128 and formulas and/or functions of the DPFM 132, performs the specified formula and/or function routines on the retrieved DUs 80 in the DRPF 136. These formulas and/or functions perform at least one of the following routines on at least one element of the data or information: mathematical analyses, logical analyses, format modification, arrangement into specified formations, and any other suitable analysis and organization formulas and/or functions. If desired, a suitable spreadsheet program can utilize a single spreadsheet or plurality of linked (interconnected) and/or independent spreadsheets to perform these formula and/or function routines.

This passage shows that Beller's invention can perform various analyses, but there is no disclosure or suggestion that any of these analyses can be reasonably construed to include "computing factors for the desired analysis."

In reply to the Applicant's arguments (in the August 30, 2005 Response), the Final Office Action again cites column 19, lines 52-64. To repeat, however, there is nothing in the cited passage which can be construed as the computation of "factors *for* the desired analysis." The Final Office Action characterizes the claim element in question on page 8 by stating "Beller teaches computing data for a selected analysis." However, this paragraphing does not accurately represent what is actually being recited, which, again is "computing *factors* for the desired analysis," which Beller does not disclose. *The precise language recited in the claims must be met, rather than a paraphrasing of that language.*

Beller also does not teach or suggest the terminal element in claim 4 which recites at least, "wherein the steps of retrieving, reformatting computing and formatting are automated, responsive to the step of receiving and otherwise substantially devoid of interaction with the user for receiving input," in combination with the remainder of this claim's elements, when considered as a whole. The Final Office Action identifies column 20, lines 22-29 of Beller. However, column 20, lines 22-42 of Beller states:

> The computational skill example above will again be used to illustrate the data/information retrieval, analysis, and formation routines of the processing and reporting method of the present invention. Upon completion of the DPM 124 at step 601 the CPU 2, via programming code of the DPCM 128 and formulas and/or functions of the DPFM 132, retrieves the DUs 80 from the student's IRFs 40 and returns them to the DRPF 136. In this example, the DPCM 128, DPFM 132, DRPF 136 are all contained in a Microsoft Excel "workbook", which is comprised of at least one of spreadsheets, macros, and Visual Basic modules that are saved as a single file in storage device 8. The DUs 80 are retrieved using a Visual Basic copy command from the DPCM 128 and lookup and reference formulas and/or functions of the DPFM 132. Note that since Visual Basic commands and Excel functions and formulas are generally known to persons skillful in Visual Basic and Excel spreadsheet programming, and since there may be a plurality of suitable ways in which the code, functions, and formulas may be written, the specific alphanumeric content and structure will not be described in detail herein.

This excerpt of Beller recites *inter alia*, "Upon completion of the DPM 124 at step 601 the CPU 2, via programming code of the DPCM 128 and formulas and/or functions of the DPFM 132, retrieves the DUs 80 from the student's IRFs 40 and returns

them to the DRPF 136." But this passage simply refers to the temporal order in which certain operations identified by Beller are performed. This passage does not disclose or suggest that operations of "retrieving, reformatting, computing and formatting" are "automated, responsive to the step of receiving and otherwise substantially devoid of interaction with the user for receiving input."

Accordingly, for at least the above-stated illustrative and non-exhaustive reasons, Beller does not disclose the subject matter recited in independent claim 4.

Turning now to independent claim 9, this claim recites in full:

> 9. A method comprising:
>
> presenting a spreadsheet to a user on a display wherein the spreadsheet comprises a plurality of pre-defined pages;
>
> receiving tabular data in a canonical form into a data page of the plurality of pre-defined pages;
>
> receiving configuration input into a user interaction page of the plurality of pre-defined pages wherein the configuration input indicates a type of statistical analysis to be performed and indication of elements involved in the statistical analysis;
>
> automatically reformatting the tabular data in accord with the type of statistical analysis without further user interaction;
>
> automatically performing the indicated statistical analysis for all indicated elements without further interaction wherein the statistical analysis identifies a significant factor in the tabular data; and
>
> generating results of the statistical analysis in a result page of the plurality of pre-defined pages wherein the results identify the significant factor.

Beller does not teach or suggest at least the element in claim 9 which recites, "receiving configuration input into a user interaction page of the plurality of pre-defined pages wherein the configuration input indicates a type of statistical analysis to be performed and indication of elements involved in the statistical analysis," in combination with the remainder of this claim's elements, when considered as a whole. The Final Office Action again identifies column 16, lines 6-19 of Beller (as reproduced above) as having relevance to the above-identified feature. As noted above, this passage discloses *inter alia* that Beller's system employs error correction routines. But there is not even a hint in this passage pertaining to the above-described subject matter of claim 9. That is, error correction routines do not even remotely imply the use of a user interaction page for receiving configuration input.

Moreover, the element of claim 9 identified above specifically recites that "configuration input indicates a type of statistical analysis to be performed *and indication of elements involved in the statistical analysis*" (emphasis added). Beller nowhere discloses receiving configuration input that indicates elements involved in statistical analysis; certainly, the passage cited in the Final Office Action does not disclose or suggest this claimed subject matter.

Further, Beller does not teach or suggest the element in claim 9 which recites, "automatically reformatting the tabular data in accord with the type of statistical analysis without further user interaction," in combination with the remainder of this claim's elements, when considered as a whole. The Final Office Action identifies column 20, lines 4-21 of Beller (reproduced above) as having relevance to the above-identified feature. As set forth above, this cited passage discloses *inter alia* that the PDF can be stored in any format. But this passage does not disclose or suggest that the reformatting takes place "without further user interaction," as recited in claim 9.

Further still, Beller does not teach or suggest the elements in claim 9 which recite, "automatically performing the indicated statistical analysis for all indicated elements without further interaction wherein the statistical analysis identifies a significant factor in the tabular data," and "generating results of the statistical analysis in a result page of the plurality of pre-defined pages wherein the results identify the significant factor," in combination with the remainder of this claim's elements, when considered as a whole. The Final Office Action cites column 19, lines 52-64 and column 20, lines 22-42 of Beller (reproduced above) as having relevance to the above-identified features. These passages show that Beller's invention can perform various analyses, but neither of these passages discloses or suggests processing which "identifies a significant factor in the tabular data," as recited in claim 9.

Accordingly, for at least the above-stated illustrative and non-exhaustive reasons, Beller does not disclose or suggest the subject matter recited in independent claim 9.

The remaining rejected independent claims – i.e., claims 18 and 23 – recite related subject matter to claims 4 and 9, respectively. Accordingly, the Applicant submits that these claims are not disclosed or suggested by Beller for reasons similar to those presented above.

The dependent claims are not anticipated or rendered obvious by Beller at least by virtue of these claims' dependency on their respective independent claims. Moreover, these claims recite additional subject matter which is not disclosed or suggested by Beller. Consider, for example, dependent claim 10, which is reproduced as follows:

10. The method of claim 9 wherein the step of receiving configuration information comprises:

receiving user input identifying portions of the tabular data representing elements

for the statistical analysis and user input identifying portions of the tabular data representing

a response for the statistical analysis.

The Final Office Action identifies the above-reproduced passage of column 19, lines 52-64 of Beller as having relevance to claim 10. This passage mentions *inter alia* the use of spreadsheets, but the mere mention of spreadsheets does not account for the specific operations described in claim 10 where input is received that identifies "elements for the statistical analysis" and "portions of the tabular data representing a response for the statistical analysis."

As stated in MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As noted above, Beller fails to disclose all of the elements in any of the claims, and, indeed, Beller describes a very different approach than the invention recited in the claims. Accordingly, Beller fails to anticipate any of the claims under 35 U.S.C. § 102.

As a general observation, the Final Office Action appears to be combining different passages from the Beller document to draw conclusions that are not fairly supported by the Beller document itself. To name one example, the Final Office Action notes that Beller discloses a user interactive interface and that Beller accommodates a plurality of formulae. But these observations do not support the Final Office Action's conclusion that Beller discloses a display screen that is specifically configured to select particular statistical analysis. As noted above, 35 U.S.C. § 102 places a high burden on the Patent Office to show that every single aspect of what is being recited in a claim is

described in a reference; this burden is not met in the present case with respect to the Beller document. *In any event, if the 35 U.S.C. § 102(b) rejection is repeated, the Patent Office is respectfully requested **to more specifically point out the manner in which it is interpreting the cited passages of Beller to meet the elements of the claims.***

For the above-identified reasons, the Applicant submits that the 35 U.S.C. § 102(b) rejection is misplaced, and therefore respectfully requests that it be withdrawn.


*New Claims*

This Response adds new independent claim 35, as well as a number of dependent claims (i.e., claims 36-49) which depend on claim 35. The Applicant submits that these claims patentably distinguish over the Beller document for at least the reason that claim 35 recites subject matter that is not found in the Beller document.


*Conclusion*

The arguments presented above are not exhaustive; Applicant reserves the right to present additional arguments to fortify its position. Further, Applicant reserves the right to challenge the alleged prior art status of one or more documents cited in the Final Office Action.

In conclusion, all objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and such allowance is respectfully solicited. The Examiner is urged to contact the undersigned if any issues remain unresolved by this Amendment.

Respectfully Submitted,

Dated: April 14, 2006          By: _____

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